

Introduced: 3/23/78
Referred: State Affairs,
Resources and Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 566

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Agricultural Development
7 Authority; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. AGRICULTURAL LAND.

11 Sec. 38.09.010. CREATION OF AUTHORITY. There is created the
12 Agricultural Development Authority. The authority is a public corpora-
13 tion of the state within the Department of Natural Resources, but with
14 separate and independent legal existence.

15 Sec. 38.09.020. MEMBERSHIP. (a) The authority shall be composed
16 of the following members:

17 (1) the commissioners of commerce and economic development
18 and natural resources;

19 (2) the director of the division of agriculture of the De-
20 partment of Natural Resources;

21 (3) the director of the agricultural experiment station of
22 the University of Alaska and one university staff person selected by
23 that director;

24 (4) two persons selected by the governor engaged in agricul-
25 tural production with at least 10 years of farming experience in the
26 state; and

27 (5) not more than two additional persons from the private
28 sector selected by the governor for their interest in and knowledge of
29 agricultural development and affairs, including one person experienced

1 in agricultural financing.

2 (b) The group may invite representatives from the United States
3 Soil Conservation Service, the United States Forest Service, or other
4 federal agencies to participate in the deliberations of the group in an
5 advisory capacity.

6 (c) The members shall elect one of their number as chairman. The
7 chairman may be the chief executive officer of the authority.

8 (d) The terms of members of the authority from the private sector
9 selected under (a)(4) and (5) of this section are four years. Members
10 other than those from the private sector serve at the pleasure of the
11 governor. Vacancies are filled in the manner of original appointments,
12 but a member appointed to fill a vacancy serves for the unexpired term
13 of the member he succeeds.

14 Sec. 38.09.030. COMPENSATION OF MEMBERS. (a) Members of the
15 authority selected under sec. 20(a)(4) and (5) of this chapter receive
16 \$75 per day and they are entitled to per diem and travel expenses
17 provided for boards and commissions under AS 39.20.

18 (b) State officers or employees designated as members of the
19 authority serve without compensation but are entitled to receive per
20 diem and travel expenses from authority funds.

21 Sec. 38.09.040. MEETINGS. (a) The authority shall schedule
22 regular meetings during the year, and may hold special meetings upon the
23 call of the chairman or four members of the authority.

24 Sec. 38.09.050. QUORUM. Five members of the authority constitute
25 a quorum. An affirmative vote of at least five members is necessary to
26 approve any action of the authority.

27 Sec. 38.09.060. POWERS AND DUTIES OF THE AUTHORITY. (a) The
28 authority has the following powers:

29 (1) to sue and be sued;

- 1 (2) adopt an official seal and alter it at pleasure;
- 2 (3) adopt and amend bylaws for the management and regulation
3 of its affairs and make, alter and enforce rules and regulations for the
4 conduct of its business and for use of its services and facilities;
- 5 (4) maintain an office at any place in the state;
- 6 (5) acquire, hold, use, invest and dispose of its income,
7 revenue, funds and money;
- 8 (6) prepare cadastral and detailed soil surveys of the Big
9 Delta agricultural development project;
- 10 (7) act as a farmer selection board to determine the eligi-
11 bility of individuals applying for the purchase of agricultural develop-
12 ment rights for state land located within the Big Delta agricultural de-
13 velopment project;
- 14 (8) construct facilities to process, store or prepare for
15 transport agricultural products produced within the Big Delta agricul-
16 tural development project;
- 17 (9) contract for the construction of necessary electrical
18 distribution or transmission facilities and access roads;
- 19 (10) operate, lease, sell or contract for the operation of
20 facilities constructed under (8) or (9) of this subsection;
- 21 (11) take necessary action to protect the state's interest in
22 land located within the Big Delta agricultural development project;
- 23 (12) adopt regulations establishing requirements for the eli-
24 gibility of persons applying to participate in a project; the require-
25 ments may include length of residency, domicile, age and experience.
- 26 (b) The authority has the following duties:
- 27 (1) hold public hearings;
- 28 (2) evaluate the need for farm conservation plans for land
29 located in the Big Delta agricultural development project;

1 (3) serve as coordinator for gathering information and data
2 relating to the Big Delta agricultural development project;

3 (4) provide advice and assistance concerning development of
4 the Big Delta agricultural development project to interested state and
5 federal agencies; and

6 (5) administer contracts for the clearing, draining and
7 breaking of state land under AS 38.07.010 located within an agricultural
8 development project and any other contracts awarded in connection with
9 the development of the Big Delta agricultural development project.

10 Sec. 38.09.070. BIG DELTA AGRICULTURAL DEVELOPMENT PROJECT. The
11 Big Delta agricultural development project is designated as an agricul-
12 tural development project in the state. The commissioner shall

13 (1) adopt regulations which describe the boundaries of the
14 project;

15 (2) direct the division of lands, Department of Natural
16 Resources, to complete the notice and review procedures required under
17 AS 38.05.305;

18 (3) direct the authority to proceed with the selection of
19 farmers under sec. 80 of this chapter; and

20 (4) direct the division of lands to convey an interest in
21 state land located within a project, limited to agricultural uses, to
22 persons certified to the division by the authority under sec. 80 of this
23 chapter.

24 Sec. 38.09.080. SELECTION OF QUALIFIED INDIVIDUALS. (a) The
25 authority shall publicly solicit applications from individuals desiring
26 to participate in the Big Delta project designated under sec. 70 of this
27 chapter.

28 (b) The authority shall review the application of each applicant
29 and determine the eligibility of that individual according to regula-

1 tions adopted by the authority under sec. 60(a)(12) of this chapter.

2 (c) The authority shall select the initial participants in the
3 project by lottery. Only those individuals determined to be eligible
4 under (b) of this section are entitled to participate in the lottery.

5 (d) The authority shall publish a list of the selected individuals
6 in a newspaper of general circulation in the vicinity of a project. Not
7 earlier than 30 days after the publication of the list, the authority
8 shall vote on the question of certification of the list. After a vote
9 approving the list of selected individuals, the authority shall certify
10 that the list contains the names of individuals who are qualified to
11 farm land located within the Big Delta agricultural development project
12 and that all procedures required under this section have been complied
13 with. The list as certified shall be transmitted to the commissioner
14 and the director.

15 Sec. 38.09.090. DEFINITIONS. In this chapter,

16 (1) "authority" means the Agricultural Development Authority;

17 (2) "commissioner" means the commissioner of the Department
18 of Natural Resources;

19 (3) "division" means the division of lands, Department of
20 Natural Resources.

21 * Sec. 2. Notwithstanding the terms of office specified for members of
22 the Agricultural Development Authority in AS 38.09.020(d), enacted in sec. 1
23 of this Act, the terms of the first appointees shall be as specified in this
24 section with one member serving a term ending June 30, 1979, one member ser-
25 ving a term ending June 30, 1980, and one member serving a term ending
26 June 30, 1981, and one member serving a term ending June 30, 1982.

27 * Sec. 3. This Act takes effect July 1, 1978.
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